

US Application No. 10/666082
Reply to Office action of 7/25/05

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Non-elected claims 4 and 5 are canceled herein without prejudice or disclaimer. Claims 3 and 8 are canceled herein without prejudice or disclaimer. New claim 10 is added, and is supported by original claims 1 and 3. Claims 1, 2, 6, 7 and 10 are pending.

Entry of the amendments is requested as they do not raise new issues and would not require further consideration. The language from claim 3 has been added into claim 1, and the language from claim 8 has been added into claim 6. The language in new claim 10 has already been considered by the Examiner with respect to prior claims 1 and 3.

Claims 1-3 and 6-8 are rejected as being unpatentable over Ito et al. (US 6,470,770) in view of Kobayashi et al (US 6,857,494). Applicants respectfully traverse.

Ito et al. and Kobayashi et al. do not teach or suggest the features recited in claims 1 and 6. Particularly, Ito et al. and Kobayashi et al. do not teach or suggest a crankshaft that is disposed in a longitudinal direction of the vehicle, with an axial line of a cylinder block being disposed in a substantially vertical direction, and wherein an axis of a hydrostatic continuously variable transmission is set to a position higher than that of an axis of the crankshaft while an axis of a speed change driving shaft is disposed inside of an angle defined by a line segment passing the axis of the hydrostatic continuously variable transmission and the axis of the crankshaft and the axial line of the cylinder block.

In Ito et al., the axial line of the cylinder block is CO (Figure 1 of Ito et al.) In addition, Figure 1 of Ito et al. shows an axis 02 of a speed change driving shaft 64, an axis 01 of transmission shaft 43, and an axis 03 of a crankshaft 5 (see, for example, column 7, lines 55-61; and column 8, lines 1-18). As evident from Figure 1, the axis 02 of the shaft 64 is outside of the angle defined by a line segment passing through the axis 01 and the axis 03, and the axial line CO.

Kobayashi et al. does not provide what is missing from Ito et al. Kobayashi et al. does not disclose the relationship between the axes as claimed.

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Therefore, Applicants respectfully submit that claims 1 and 6 are patentable over Ito et al. and Kobayashi et al. either alone or in combination. Claims 2 and 7 depend upon claims 1 and 6, respectively, and are patentable over the references cited for at least the same reasons with respect to claims 1 and 6, and need not be separately distinguished. Applicants, however, reserve the right to submit additional arguments as to any of claims 2 and 7 at a later date.

New claim 10 is patentable over Ito et al. and Kobayashi et al. as neither reference, as discussed above for claims 1 and 6, teaches or suggests a crankshaft that is disposed in a longitudinal direction of the vehicle, with an axial line of a cylinder block being disposed in a substantially vertical direction, and wherein an axis of a hydrostatic continuously variable transmission is set to a position higher than that of an axis of the crankshaft while an axis of a speed change driving shaft is disposed inside of an angle defined by a line segment passing the axis of the hydrostatic continuously variable transmission and the axis of the crankshaft and the axial line of the cylinder block.

In view of the above, early issuance of a notice of allowance is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Curtis B. Hamre, Reg. 29,165, at (612)455-3802.

Respectfully submitted,

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